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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CURT & NANCY COOLEY,**

**Plaintiffs,**

**V.**

**LINCOLN ELECTRIC CO., et al.,**

## Defendants

[illegible]

**Case No. 1:05-CV-17734**

**Judge Kathleen M. O'Malley**

## MEMORANDUM & ORDER

On September 1-4, 2009, the Court held hearings on the record on the pretrial motions filed in this case, and entered rulings on many of those motions. This Order documents those rulings made during the final pretrial hearing, *solely* for the purpose of ensuring the docket no longer shows the motions as pending. For the reasons and to the extent stated on the record, and with the conditions and caveats there explained, the Court ruled as follows:<sup>1</sup>

**Dkt. 84** Motion to Preclude Dr. Watts from Diagnosing Ruth based only on Video Review is **granted**.

**Dkt. 85** Motion to Exclude Testimony of Dr. Patrick Hartley is **granted in part and denied in part.**

<sup>1</sup> All denials of motions regarding admissibility are without prejudice to the parties' right to raise appropriate objections at trial and on appeal. This Order merely documents the Court's rulings in highly simplified fashion; the full contours of the Court's rulings were set out on the record during the hearing, and during previous hearings in this MDL, all of which are incorporated into this record by reference.

- Dkt. 88** Motion to Exclude Testimony of Dr. John O'Shea is **granted in part and denied in part**.
- Dkt. 90** Motion to Exclude Testimony of Dr. Nitin Sharma is **granted in part and denied in part**.
- Dkt. 91** Motion to Exclude Testimony of Dr. James Worrell is **granted in part and denied in part**.
- Dkt. 92** Defendants' Motion for Summary Judgment on Punitive Damages is **denied**.
- Dkt. 96** Motion to Limit Testimony of Dr. Watts regarding autopsies is **granted**.
- Dkt. 97** Motion to Limit Testimony of Dr. Brent re: Epidemiology is **reserved** pending voir dire of the witness.
- Dkt. 98** Motion to Limit Testimony of Dr. Atlas re: Neuro-Radiology is **reserved** pending further review by the Court.
- Dkt. 99** Omnibus Motion to Exclude Various Matters is **granted in part and denied in part**.
- Dkt. 100** Motion to Exclude Testimony of Nancy Cooley is **granted in part and denied in part**.
- Dkt. 101** Motion to Exclude Testimony of Curt Cooley is **granted in part and denied in part**.
- Dkt. 102** Motion to Exclude Evidence Regarding Preparation of Expert Reports is **granted**.
- Dkt. 103** Motion to Exclude Evidence Regarding Lobbying Activities is **denied**.
- Dkt. 104** Motion to Exclude Evidence Related to Settlement of Other Claims is **granted in part and denied in part**.
- Dkt. 105** Motion to Exclude Animations from Opening Argument is **granted in part and denied in part**.
- Dkt. 106** Motion to Exclude References to Tobacco and Asbestos is **granted in part and denied in part**.
- Dkt. 107** Motion to Exclude Reference to Denials of RFAs is **granted**.
- Dkt. 108** Motion to Exclude Reference to Prior Court Orders is **granted**.
- Dkt. 109** Motion to Exclude Reference to Defendants' Response to Motion for Court-Ordered Epi-Study is **granted**.
- Dkt. 110** Motion in Limine to Exclude Reference to Hardfacing is **denied**.

- Dkt. 111** Motion in Limine to Exclude Other Companies' Documents is **denied**.
- Dkt. 112** Defendants' Motion in Limine to Exclude Reference to "Historical Documents" is **denied**.
- Dkt. 113** Motion to Exclude Evidence of Other Welding Fume-Related Claims, and the *Tamraz* and *Jowers* Verdicts, and Expert Testimony Regarding Other Claims and Diagnoses is **granted in part and denied in part**.
- Dkt. 114** Motion to Exclude Reference to Defendants' Warnings Issued After Cooley's Last Welding Fume Exposure is **denied**.
- Dkt. 115** Motion to Exclude Reference to Individual Susceptibility is **denied**.
- Dkt. 116** Motion to Exclude Speculation that NIOSH and ACGIH Will Lower Their Recommended Exposure Limits is **granted**.
- Dkt. 117** Motion to Exclude Testimony by Various Fact Witnesses is **reserved** pending the Court's review of the parties' deposition designations.
- Dkt. 140** Motion to Exclude Social Security & Workers Comp. Evidence is **granted**.
- Dkt. 155** Motion to Exclude Untimely Expert Reports is **granted**.
- Dkt. 174** Motion to Limit Testimony of Stebbins is **granted**.

**IT IS SO ORDERED.**

/s/ Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED:** September 8, 2009